

Appl. No. 10/799,801
Amendment and/or Response
Reply to Office action of 14 June 2005

Page 7 of 11

Amendments to the Drawing Figures:

The attached drawing sheet includes proposed changes to FIG. 1, and replaces the original sheet including FIGs. 1 and 2.

Attachment: Replacement Sheet(s)

Appl. No. 10/799,801
Amendment and/or Response
Reply to Office action of 14 June 2005

Page 8 of 11

REMARKS / DISCUSSION OF ISSUES

Claims 6-27 are pending in the application. Claims 21-23 are amended to correct typographical errors. No new matter is introduced, and the intended scope of the claims is unchanged.

The applicants thank the Examiner for acknowledging the claim for priority and receipt of certified copies of all the priority document(s).

The applicants maintain their traversal of the election requirement, as presented in the applicants' prior response of 7 April 2005. The applicants respectfully maintain that asserted basis for the election requirement is unfounded, and the Office action of 14 June 2005 does not adequately address the objections raised in the applicants' response. The Office action cites the use of different steps for embodying the invention as a basis for a restriction requirement. The applicants respectfully maintain that claims that merely recite different steps for embodying an invention do not constitute sufficient grounds for an election requirement. As specifically directed in MPEP 808.02:

"Where, however, the classification is the same and the field of search is the same and there is no clear indication of separate future classification and field of search, *no reasons exist for dividing among related inventions.*"

The Office action fails to provide a justification for disregarding the clear directive of MPEP 808.02, and the applicants object to incurring the added expense of filing and prosecuting a separate patent application, as well as the added expenses associated with the issuance and maintenance of a separate patent, based on an election requirement that is contrary to the MPEP.

The Office action objects to the drawings; amended drawings are attached for the Examiner's consideration.

Appl. No. 10/799,801
Amendment and/or Response
Reply to Office action of 14 June 2005

Page 9 of 11

The Office action rejects claims 11, 12, 15, and 26 under 35 U.S.C. 112, second paragraph. The applicants traverse this rejection based on the applicants' remarks of 7 April 2005, and based on the following remarks.

The Office action asserts that the applicants only teach the removal of the quarterwave retarder. The applicants respectfully disagree with this assertion, and direct the Examiner's attention to the paragraphs cited in the applicants' prior remarks, and particularly to paragraphs [0043] through [0045]. The applicants further note that the removal of a retarder in a segment provides a different optical retardation in that segment compared to segments where the retarder is not removed, as claimed in claim 11.

The Office action asserts that optical retardation is not measured in degrees. The applicants respectfully disagree. Although optical retardance is formally defined by a length measurement, such as a quarter of a wavelength, it is often defined a phase shift, and phase is commonly expressed in degrees (see, for example, <http://scienceworld.wolfram.com/physics/retardance.html>). However, in the interest of advancing prosecution, claims 12 and 25 are amended herein to conform to the formal definition; no new matter is added and the scope of the claims is unchanged.

The Office action rejects claims 11, 13, 15, 20-25, and 27 under 35 U.S.C. 103(a) over Winker et al. (USP 6,239,853, hereinafter Winker).

Claim 11, upon which claims 12-27 depend, specifically claims a method of producing a patterned optical foil that includes providing a pattern for processing reactive liquid crystal material that defines first area segments and second area segments of the film, and processing the reactive liquid crystal material via the pattern to produce a first optical retardation in the first area segments, and a second optical retardation in the second area segments.

Appl. No. 10/799,801
Amendment and/or Response
Reply to Office action of 14 June 2005

Page 10 of 11

MPEP 2142, specifically states:

"To establish a *prima facie* case of obviousness ... the prior art reference (or references when combined) **must teach or suggest all the claim limitations**... If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness."

The Office action states that Winker does not disclose a film of polymerizable (reactive) liquid crystal material. The applicants respectfully disagree. Winker discloses the creation of an unpatterned polymerized (unreactive) film by polymerizing a polymerizable liquid crystal monomer on a rubbed polyimide film, at column 5, lines 14-18.

Winker applies a photoresist pattern to the polymerized (unreactive) film to selectively remove segments of the polymerized material. (Winker, column 5, lines 18-23). That is, Winker addresses the same task as the applicants and specifically teaches a different method of achieving the desired results.

Because Winker does not teach providing a pattern for processing reactive liquid crystal material and processing the reactive liquid crystal material via the pattern to produce a foil with segments of different optical retardations, as specifically claimed by the applicants, the applicants respectfully maintain that the rejection of claims 11, 13, 15, 20-25, and 27 under 35 U.S.C. 103(a) over Winker is unfounded, per MPEP 2142.

The Office action refers to Koch et al. (USP 5,619,352, hereinafter Koch), although Koch is not cited in the rejection under 35 U.S.C. 103(a). In the interest of advancing prosecution in this case, the applicants provide the following comments regarding a combination of Winker and Koch.

As the Office action asserts, Koch teaches reactive liquid crystal material. The applicants respectfully note, however, that the existence of reactive liquid crystal material does not support an assertion that a combination of Winker and Koch will lead to the applicants' claimed invention, because, as noted above, Winker teaches the processing of polymerized (unreactive) material to produce the patterned foil, and Koch adds nothing to Winker's teachings.

Appl. No. 10/799,801
Amendment and/or Response
Reply to Office action of 14 June 2005

Page 11 of 11

In view of the foregoing, the applicants respectfully request that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,



Robert M. McDermott
Reg. 41,508
Att'y for Applicant(s)

1824 Federal Farm Road
Montross, VA 22520
Phone: (804) 493-0707
Fax: (215) 243-7525